

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 85-CR-141

JEFFERY LEO HAYDOCK,

Defendant.

DECISION AND ORDER

On July 5, 2005, defendant Jeffery Haydock (“Haydock”) filed a notice of motion, motion to correct or modify sentence and calculate the sentence pursuant to “18 U.S.C. § (Old law) Rule 35.” (Docket No. 38). He also filed letters, related to that filing, on October 6, 2005, and March 10, 2006. (Docket Nos. 39 & 40.)

At the Court’s direction, the government filed a response. While the government states that Haydock’s motion is better considered a motion to clarify, in essence, the government concurs with Haydock’s contentions and proposes language to clarify Haydock’s sentence. Haydock adopts the government’s proposed language.

Having reviewed the relevant documents in this matter and having considered the parties’ positions and the applicable law, the Court clarifies that:

The sentence imposed on October 28, 1986, provided that the five-year sentence for violation of Section 2113(a) and (d) of Title 18 of the United States Code be served concurrent with any

sentence imposed by the State of Wisconsin, and that the five-year sentence for violation of Section 924(a) of Title 18 of the United States Code be served consecutive to any other sentence imposed by any state or federal court.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Haydock's motion to correct or modify sentence and calculate the sentence pursuant to "18 U.S.C. § (Old law) Rule 35" (Docket No. 38) is **GRANTED** to the extent that the Court clarifies that:

The sentence imposed on October 28, 2006, provided that the five-year sentence for violation of Section 2113(a) and (d) of Title 18 of the United States Code be served concurrent with any sentence imposed by the State of Wisconsin, and that the five-year sentence for violation of Section 924(a) of Title 18, be served consecutive to any other sentence imposed by any state or federal court.

Dated at Milwaukee, Wisconsin this 26th day of October, 2006.

BY THE COURT

s/ Rudolph T. Randa

**Hon. Rudolph T. Randa
Chief Judge**